

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - January 13, 1971

Appeal No. 10629 John P. Falvey, et ux, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of January 19, 1971.

ORDERED:

That the appeal for permission to use premises at 2930 Newark Street, N.W. for residence of approximately 10 students of National Ballet Society as a family or in the alternative variance to permit same, lot 856, Square 2082 be denied.

FINDINGS OF FACT:

1. The property is located in an R-1-B District.
  2. The property is improved with a three story with basement stone/stucco single family dwelling.
  3. The appellant proposes to use the dwelling to house ten girls as a family. The girls are students of the National Ballet Society.
  4. The appellant alleged that the girls will have a chaperone living on the premises and the girls ages range from 15 to 18 years of age. No instructions will be given on the premises but all instruction will be given at the school located on Connecticut Avenue.
  5. The appellant further alleged that this would be a reasonable use of the premises since he has been unable to sell the property after advertising the property for sale from May 15, 1970 to September 1, 1970.
  6. There was opposition to the granting of this appeal registered at the public hearing.
-

Appeal No. 10629  
Page 2  
April 15, 1971

OPINION:

We are of the opinion that the use of the subject property as a residence for ten students as one family is likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. It is also our opinion that the appellant does not qualify as a family as defined in Section 1202 of the Zoning Regulations.

We are of the further opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties or undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Therefore, for the reasons given above this appeal must be denied.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:



By: \_\_\_\_\_

PATRICK E. KELLY  
Secretary of the Board